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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**  
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13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
16 DYWANE TOUSANT,  
17 Defendant.

Case No.: 09-CR-1250 W

**ORDER DENYING MOTION TO  
REDUCE SENTENCE UNDER 18  
U.S.C. § 3582(c)(1)(A) [DOC. 306]**

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19 On June 2, 2010, this Court sentenced Defendant Dywane Tousant to the  
20 mandatory minimum term of 120 months in prison for Sex Trafficking of Children in  
21 violation of 18 U.S.C. §§ 1591(a)(b) & 2, fifteen months concurrent with his state court  
22 sentence in case SCS 2255068 and 105 months consecutive [Doc. 126].

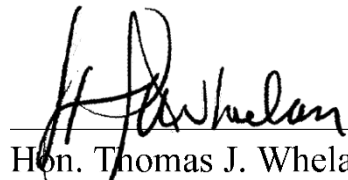
23 Defendant now moves for a reduction in sentence pursuant to 18 U.S.C. §  
24 3582(c)(1)(A), alleging that the length of his sentence should be considered an  
25 extraordinary and compelling reason for sentence reduction based upon United States  
26 Sentencing Guideline §1B1.13(b)(6). This section states that “unusually long sentences  
27 qualify as an extraordinary and compelling reason for reduction of sentence.”  
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1 To qualify for relief pursuant to that Guideline section, a defendant “must have  
2 served at least 10 years of his term.” Defendant combines his state prison term served  
3 with his federal term served and states he has served over 16 years in custody. The  
4 Federal Sentencing Guidelines apply to his federal case not his state case. Defendant has  
5 not served “at least 10 years” of his federal sentence, therefore, he is not eligible for relief  
6 under the Federal Guidelines.

7 Defendant’s motion for reduction of sentence is **DENIED**.

8 **IT IS SO ORDERED.**

9 Dated: December 12, 2024

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11 Hon. Thomas J. Whelan  
12 United States District Judge  
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